

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

TOM BECK,	)	
Plaintiff,	)	
	)	
vs.	)	No. 4:08CV571 HEA
	)	
J.W. BOMMARITO CONSTRUCTION,	)	
Defendant.	)	

**ORDER**

This matter is before the Court on Defendant's Motion to Compel, [Doc. 43]. Plaintiff has not responded to the motion, however, in support of the motion, counsel for Defendant conveniently omits the salient portion of the Court's local rules:

**Rule 37 - 3.04 Motions Concerning Discovery and Disclosure.**

(A) The Court will not consider any motion relating to discovery and disclosure unless it contains a statement that movant's counsel has *conferred in person or by telephone with the opposing counsel in good faith or has made reasonable efforts to do so, but that after sincere efforts to resolve their dispute, counsel are unable to reach an accord. This statement also shall recite the date, time and manner of such conference, and the names of the individuals participating therein*, or shall state with specificity the efforts made to confer with opposing counsel. (Emphasis added).

While counsel states that he has faxed a letter to counsel for Plaintiff, this alone does not satisfy the Local Rule. Counsel for Plaintiff is, however, admonished to abide by both the Federal Rules of Civil Procedure and this Court's Local Rules in the prosecution of this case.

Accordingly,

**IT IS HEREBY ORDERED** that the Motion to Compel, [Doc. No. 43], is denied without prejudice to refiling in the event that discovery is not forthcoming

after counsel has attempted to resolve the dispute personally, through use of a telephone or face-to-face dialogue regarding the pertinent issues at bar, with counsel for Plaintiff.

Dated this 2nd day of July, 2008.

A handwritten signature in black ink, reading "Henry Edward Autrey", written over a horizontal line.

HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE